

C O P Y

State of New Hampshire

OFFICE OF ATTORNEY-GENERAL

May 11, 1958

George F. Nelson, Esq.,
Assistant Attorney General

Bonds for classified employees
of the Tobacco Tax Division

Mr. Harold Cheney, Director,
Division of Purchase and Property
State House

Attorney General

Dear Sir:

Relative to your inquiry concerning requisition of the State Tax Commission for personal surety bonds in the amount of \$1,000 each for two classified employees of the Tobacco Tax Division and whether authority exists to require or purchase said bonds, I advise as follows:

Laws of 1950, chapter 5, part 8, section 4, amending Revised Laws, chapter 79 by insertion of section 17-a thereof requires that "the director shall execute and file with the secretary of state a bond to the state in such amount and with such sureties as may be deemed sufficient by the board of approval in the same manner as bonds for state officials." Laws of 1950, chapter 5, part 24, section 6 expressly provides that otherwise no official shall be required to furnish a bond except as specifically designated by the Constitution. Section 7 deals with the Board of Approval, whose duty is to determine the amount and sufficiency of the surety "where a bond is required of an official or employee of the state." The remainder of said chapter 5, part 24 revised the entire pre-existing bond requirements and did away with many previously required bonds.

Accordingly, it is for the legislature to consider requiring bonds from these particular employees. There is no present statutory authority to require or purchase said bonds.

Very truly yours,

George F. Nelson
Assistant Attorney General

OFN:NP

CC: Governor Hugh Gregg

L. B. Chandler, Secretary
State Tax Commission

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